

HOUSE BILL 1105

L2

11r0487

By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – School Facilities Surcharge for Replacement of**
3 **Existing Single-Family Dwelling Unit**

4 **PG 408–11**

5 FOR the purpose of altering certain conditions on the Prince George's County school
6 facilities surcharge exemption for a replacement single-family dwelling unit
7 built on the same lot as a previously existing single-family dwelling unit by
8 repealing provisions limiting the exemption to dwellings destroyed by fire,
9 explosion, or natural disaster; providing for the retroactive application of this
10 Act; and generally relating to the applicability of the school facilities surcharge
11 in Prince George's County.

12 BY repealing and reenacting, with amendments,
13 The Public Local Laws of Prince George's County
14 Section 10–192.01
15 Article 17 – Public Local Laws of Maryland
16 (2003 Edition and 2005 Supplement, as amended)
17 (As enacted by Chapter 431 of the Acts of the General Assembly of 2003,
18 Chapter 166 of the Acts of the General Assembly of 2007, and Chapter
19 108 of the Acts of the General Assembly of 2008)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 17 – Prince George's County**

23 10–192.01.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The County Council, by ordinance, shall impose a school facilities
2 surcharge on new residential construction for which a building permit is issued on or
3 after July 1, 2003.

4 (2) (A) Except as provided under subparagraph (B) of this
5 paragraph, the County Council may impose a school facilities surcharge on new
6 residential construction for which a building permit is issued on or after July 1, 2003,
7 by a municipal corporation in Prince George's County with zoning authority and the
8 authority to issue building permits.

9 (B) The County Council may not impose a school facilities
10 surcharge on new residential construction for which a building permit is issued by a
11 municipal corporation if Prince George's County has collected a surcharge on issuance
12 of a County permit for the same new residential construction.

13 (b) (1) (A) For Fiscal Year 2004, a school facilities surcharge imposed
14 on a single-family detached dwelling, townhouse, or dwelling unit for any other
15 building containing more than a single dwelling unit shall be in the amount of:

16 (i) Except as provided in items (ii) and (iii) of this
17 subparagraph, Twelve Thousand Dollars (\$12,000);

18 (ii) Seven Thousand Dollars (\$7,000) if the building is
19 located between Interstate Highway 495 and the District of Columbia; and

20 (iii) Seven Thousand Dollars (\$7,000) if the building is
21 included within a basic plan or conceptual site plan that abuts an existing or planned
22 mass transit rail station site operated by the Washington Metropolitan Area Transit
23 Authority.

24 (B) For Fiscal Year 2005 and each succeeding fiscal year, the
25 facilities surcharge established in subparagraph (A) of this paragraph shall be
26 adjusted for inflation in accordance with the Consumer Price Index for all urban
27 consumers published by the United States Department of Labor, for the fiscal year
28 preceding the year for which the amount is being calculated.

29 (2) The school facilities surcharge does not apply to a mixed
30 retirement development or elderly housing.

31 (3) The school facilities surcharge does not apply to a single-family
32 detached dwelling that is to be built or subcontracted by an individual owner in a
33 minor subdivision and that is intended to be used as the owner's personal residence.

34 (4) (A) The school facilities surcharge does not apply to
35 multi-family housing designated as student housing that is located in:

1 (i) The area bounded by Maryland Route 193 to the west
2 and north, U.S. Route 1 to the east, and the southern boundary of the City of College
3 Park to the south;

4 (ii) The area bounded by U.S. Route 1 to the west,
5 Berwyn House Road to the north, Rhode Island Avenue to the east, and Lakeland
6 Road to the south;

7 (iii) The area bounded by U.S. Route 1 to the west, Paint
8 Branch Parkway to the north and east, Rhode Island Avenue to the east, and College
9 Avenue to the south;

10 (iv) The area bounded by University Boulevard to the
11 north, Adelphi Road to the east, Stanford Street to the south, and University Hills
12 Park to the west;

13 (v) The area bounded by the eastern boundary of Paint
14 Branch Stream Valley Park to the west, Park Road and a line extending from the
15 western end of Park Road directly west to Paint Branch Stream Valley Park to the
16 north, U.S. Route 1 to the east, and Erie Street and a line extending from the western
17 end of Erie Street directly west to Paint Branch Stream Valley Park to the south;

18 (vi) The area bounded by Autoville Drive and a line
19 extending from the southern end of Autoville Drive directly south to Maryland Route
20 193 to the west, Erie Street to the north, U.S. Route 1 to the east, and Maryland Route
21 193 to the south; or

22 (vii) The area bounded by U.S. Route 1 to the west,
23 Maryland Route 193 to the north, 48th Avenue to the east, and Greenbelt Road to the
24 south.

25 (B) Subject to the approval of the County Council and the
26 municipality where the multi-family housing is located, the school facilities surcharge
27 does not apply to multi-family housing designated as student housing for any areas
28 not listed under subparagraph (A) of this paragraph in the City of College Park, the
29 City of Hyattsville, and the Town of Riverdale Park.

30 (C) If the housing is converted from student housing to
31 multi-family housing for the general population, the owner of the property shall pay,
32 at the time of the conversion, the school facilities surcharge in accordance with the
33 laws at the time of the conversion.

34 (5) The school facilities surcharge does not apply to a single-family
35 dwelling unit that is to be built or subcontracted by an individual owner to replace on
36 the same lot a previously existing single-family dwelling unit [that was destroyed by
37 fire, explosion, or a natural disaster] if the single-family dwelling unit is:

1 [(i)] (A) Similar to the previously existing single-family dwelling
2 unit; and

3 [(ii)] (B) Owned and occupied by the same individual who owned and
4 occupied the previously existing single-family dwelling unit.

5 (c) The school facilities surcharge shall be paid by the seller at the time a
6 building permit is issued for the dwelling unit. The school facilities surcharge may not
7 be construed to be a settlement cost.

8 (d) Payment of the school facilities surcharge does not eliminate any
9 authority to apply any test concerning the adequacy of school facilities under the
10 County's adequate public facility ordinance.

11 (e) Revenue collected under the school facilities surcharge shall be deposited
12 in a separate account and may only be used to pay for:

13 (1) Additional or expanded public school facilities such as renovations
14 to existing school buildings or other systemic changes; or

15 (2) Debt service on bonds issued for additional or expanded public
16 school facilities or new school construction.

17 (f) Revenue collected under the school facilities surcharge is intended to
18 supplement funding for public school facilities and may not supplant other County or
19 State funding for school construction.

20 (g) The County Executive of Prince George's County shall prepare an annual
21 report on the school facilities surcharge on or before August 31 of each year for the
22 County Council of Prince George's County, the Prince George's County Senate
23 Delegation, and the Prince George's County House Delegation, to include:

24 (1) A detailed description of how fees were expended; and

25 (2) The amount of fees collected.

26 (h) This Section does not apply to any property located in an infrastructure
27 finance district approved before January 1, 2000.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
29 construed to apply retroactively and shall be applied to and interpreted to affect any
30 certificate of sale or assignment of certificate of sale recorded on or after January 1,
31 2009.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 June 1, 2011.